

**Introduced by Senator Negrete McLeod**

February 24, 2012

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An act to amend Section 1799.106 of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1365, as introduced, Negrete McLeod. Emergency medical services: immunity.

Existing law limits the civil liability of a licensed nurse who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of that person's employment, as specified.

Existing law also limits the civil liability of firefighters, police officers or other law enforcement officers, and emergency medical technicians who render emergency medical services at the scene of an emergency, as specified.

This bill would extend the above-described liability limit applicable to firefighters, police officers or other law enforcement officers, and emergency medical technicians to emergency medical services rendered during air or ground ambulance transport, and emergency medical services rendered by a registered nurse at the scene of an emergency or during air or ground ambulance transport.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares both of the  
2 following:

1 (a) Since the original enactment of Section 1799.106 of the  
2 Health and Safety Code, registered nurses have become more  
3 directly involved in the provision of emergency medical services,  
4 as crew members in both air and ground ambulances.

5 (b) Registered nurses should be encouraged to provide  
6 emergency medical services in air and ground ambulances in the  
7 same way as firefighters, law enforcement, and EMT-Is and  
8 EMT-Ps.

9 SEC. 2. Section 1799.106 of the Health and Safety Code is  
10 amended to read:

11 1799.106. (a) In addition to the provisions of Section 1799.104  
12 of this code, *Section 2727.5 of the Business and Professions Code,*  
13 *and of Section 1714.2 of the Civil Code,* and in order to encourage  
14 the provision of emergency medical services by firefighters, police  
15 officers or other law enforcement officers, EMT-I, EMT-II, ~~or~~  
16 EMT-P, *or registered nurses,* a firefighter, police officer or other  
17 law enforcement officer, EMT-I, EMT-II, ~~or~~ EMT-P, *or registered*  
18 *nurse* who renders emergency medical services at the scene of an  
19 emergency *or during air or ground ambulance transport* shall  
20 only be liable in civil damages for acts or omissions performed in  
21 a grossly negligent manner or acts or omissions not performed in  
22 good faith. A public agency employing such a firefighter, police  
23 officer or other law enforcement officer, EMT-I, EMT-II, ~~or~~  
24 EMT-P, *or registered nurse* shall not be liable for civil damages  
25 if the firefighter, police officer or other law enforcement officer,  
26 EMT-I, EMT-II, ~~or~~ EMT-P, *or registered nurse* is not liable.

27 (b) *For purposes of this section, “registered nurse” means a*  
28 *registered nurse licensed pursuant to Chapter 6 (commencing with*  
29 *Section 2700) of Division 2 of the Business and Professions Code.*